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EXAMINER	
KAYES, SEAN PHILLIP	
ART UNIT	**PAPER NUMBER**
2833	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/823,830	JIDDOU ET AL.	
	Examiner	Art Unit	
	Sean Kayes	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *26-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 26, 28-31, 33-35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (US 20020181333.)

3. With respect to claim 26, Ito discloses a method for determining a time zone based date and time of a vehicle from a time zone reference signal comprising the steps of:

- receiving a signal at a telematics device (step 160 figure 10), the signal including a time correction;
- determining a local Coordinated Universal Time (UTC) correction (step 162 figure 10) from the signal;
- storing (step 163 figure 10) the local UTC correction; and
- calculating local time (step 102 figure 4) from the stored local UTC correction and a UTC time.

The terminology CDMA is not given patentable weight. The term CDMA is not given patentable weight because it does not define limitations of the steps to be performed. The nature of a signal and signals are not patentable subject matter.

The Ito reference does teach receiving a wireless signal from a wireless base station. The method taught by Ito is capable of being performed on a CDMA signal. To state this more explicitly the application of Ito's disclosed method on a CDMA signal is the exact same method as that taught by Ito.

4. With respect to claim 28, Ito discloses the method of claim 26, wherein the step of receiving a signal further comprises receiving a signal (step 160 figure 10) having the UTC time and the time correction (steps 161-163 figure 10.)

5. With respect to claim 29, Ito discloses the method of claim 26, wherein the step of determining a local UTC correction from the signal comprises receiving a time and determining the local UTC time by taking the difference between the UTC time and the time (step 162 figure 10 and paragraph 187 page 9.)

6. With respect to claim 30, Ito discloses the method of claim 26, wherein the step of determining a local UTC correction from the signal comprises setting the local UTC time correction equal to the time correction (figure 2 and step 102 figure 4.)

7. With respect to claim 31, Ito discloses the method of claim 26, wherein the step of storing the local UTC correction comprises storing the local UTC correction in a location selected from the group consisting of an in-vehicle

memory (30 figure 1), a web-hosting portal database, and a communication services database.

8. With respect to claim 33, Ito discloses the method of claim 26, wherein the step of receiving a signal at a telematics device comprises receiving a signal (step 160 figure 10) on occurrence of an initial telematics device configuration event (being set to "automatic mode" and/or the initial time correction operation.)

9. With respect to claim 34, Ito discloses the method of claim 26, wherein the step of receiving a CDMA signal at a telematics device comprises receiving a signal (step 160 figure 10) on occurrence of an initial telematics device configuration event (being set to "automatic mode" and/or arrival of a base station signal.)

10. With respect to claim 35, Ito discloses the method of claim 26, wherein the step of receiving a signal at a telematics device comprises receiving a signal (step 160 figure 10) on occurrence of an initial telematics device reconfiguration event (the act of performing the time correction method defines a reconfiguration event and/or setting to a new mode.)

11. With respect to claim 37, Ito discloses the method of claim 26, wherein the step of receiving a signal at a telematics device comprises receiving a signal on

occurrence of a system triggered event (performing a time update and/or changing of operation mode.)

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 27 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Brunts.

14. With respect to claim 27, Ito discloses the method of claim 26, wherein the time correction is received at the telematics device from a wireless carrier system.

Ito does not teach UTC time is received at the telematics device from a Global Positioning System (GPS) signal.

Brunts teaches determining a UTC correction from a GPS signal. Brunts, additionally, teaches the necessity for a backup time correction method in the event the other method is unavailable, such as when a signal is not available. At the time of the invention it would have been obvious to one skilled in the art to provide Ito's invention with a capacity to receive a UTC time from a GPS satellite. The suggestion or motivation for doing so would be to provide a backup for Ito's invention in the event that a base station signal is unavailable.

15. With respect to claim 38, Ito discloses a method for determining a time zone based date and time of a vehicle from a time zone reference signal, comprising the steps of:

- receiving a Universal Coordinated Time signal and a time correction from a wireless carrier system (step 160 figure 10);
- determining a local UTC correction from the time correction (step 162 figure 10);
- storing a local UTC correction (step 163 figure 10); and
- calculating local time by applying the stored local UTC correction (figure 2 and step 102 figure 4) to the UTC time.

The terminology CDMA is not given patentable weight. The term CDMA is not given patentable weight because it does not define limitations of the steps to be performed. The nature of a signal and signals are not patentable subject matter. The Ito reference does teach receiving a wireless signal from a wireless base

station. The method taught by Ito is capable of being performed on a CDMA signal.

Ito does not disclose receiving a UTC time from a Global Positioning System (GPS.)

Brunts teaches determining a UTC correction from a GPS signal. Brunts additionally teaches the necessity for a backup time correction method in the event the other method is unavailable, such as when a signal is not available. At the time of the invention it would have been obvious to one skilled in the art to provide Ito's invention with a capacity to receive a UTC time from a GPS satellite. The suggestion or motivation for doing so would be to provide a backup for Ito's invention in the event that a base station signal is unavailable.

16. With respect to claim 39, Ito discloses the method of claim 38, wherein the step of determining a local UTC correction from the base station time correction comprises:

- receiving (step 160 figure 10) a time via the wireless carrier system; and
- computing (step 162 figure 10) the difference between the UTC time and base station time.

17. With respect to claim 40, Ito discloses the method of claim 38, wherein the step of determining a local UTC correction from the base station time correction comprises setting the local UTC time correction equal to the base station time correction (step 162 figure 10 and paragraph 187 page 9.)

18. With respect to claim 41, Ito discloses the method of claim 38, wherein the step of storing the local UTC correction comprises storing the local UTC correction in a location selected from the group consisting of an in-vehicle memory (30 figure 1), a webhosting portal database, and a communications services database.

19. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Schick (US 20020059075.)

20. With respect to claim 32, Ito discloses the method of claim 26.

Ito does not disclose the step of scheduling mobile vehicle communication system activities between a call center and the telematics device based on the calculated local time.

Schick teaches downloading vehicle information (page 4 paragraph 34.) Schick teaches downloading said data during times if ideal data link availability (paragraph 34 lines 27-30, the last 4 lines.)

At the time of the invention it would have been obvious to one skilled in the art to combine Schick's data transfer protocol with Ito's method of determining correct time.

The suggestion or motivation for doing so would be to monitor a vehicle in use as taught by Schick.

21. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of DiLodovico (US 6882912.)

22. With respect to claim 36, Ito discloses the method of claim 26.

Ito does not teach the step receiving a base station signal at a telematics device comprises receiving a base station signal on occurrence of a vehicle triggered event.

DiLodovico teaches receiving a base station signal at a telematics device on occurrence of a vehicle triggered event, namely a collision.

At the time of the invention it would have been obvious to one skilled in the art to configure Ito's device to receiving a base station signal at a telematics device comprises receiving a base station signal on occurrence of a vehicle triggered event as taught by DiLodovico.

The suggestion or motivation for doing so would be to record the time of a vehicle triggered event, as taught by DiLodovico.

Response to Arguments

23. Applicant's arguments filed 7/23/2007 have been fully considered but they are not persuasive.

24. Applicant argues that:

> Ito's step of determining a correction by subtracting area location time differences is not the same as Applicant's step of determining a local Coordinated Universal Time (UTC) correction from the CDMA signal. Ito determines a local area time correction by calculating the time of

the area location after movement by adding the reference time to an obtained relative time difference, while Applicant calculates the difference between UTC time and the CDMA signal.

This argument is not persuasive. Applicant is correct to assert that Ito's invention is not the same as applicant's. However, Ito's invention is consistent with the claim language. The language "calculates the difference between UTC time and the CDMA signal" is not recited in the claim. Rather claim 26 only requires that a UTC correction by determined from the received signal. Ito's invention does determine a UTC correction as claimed. Applicant points out (page 5 of the arguments) that "Ito discloses subtracting the time difference of the area location, after movement, from the time difference of the reference area location to obtain the time difference of the area location after movement from the reference area location." The "time difference of the area location ... from the reference area location" is a UTC correction (paragraph 187 page 9.) Figure 2 (of Ito) shows UTC corrections stored in the database for correcting the time information.

25. Applicant argues that giving no patentable weight to the terminology "CDMA" is improper. In support of this position applicant cites MPEP 2106, "when evaluating the scope of a claim, every limitation in the claim must be considered. This argument is not persuasive. Every limitation, including the reference to CDMA was considered when formulating the grounds of rejection. However, the terminology CDMA does not impose limitations with regard to steps to be performed. Subsequently the terminology is given little patentable weight.

26. Applicant further argues that "The claim 26 step of receiving a CDMA signal operates as a positive limitation of the claim, such that other processes that only use signals that are not CDMA or equivalent signals would not be covered by this claim." This assertion is not persuasive. Applicant has not stated or argued how the nature of the CDMA signal defines limitations of the method or any other statutory subject matter. Rather applicant is arguing that even though the nature of the CDMA signal is non-statutory subject matter it defines at least part of the scope of the claimed invention because somewhere else in the claim there is language directed toward statutory subject matter. The patent office does not have the authority to give the term "CDMA" patentable weight, except as it defines limitations on statutory subject matter. Applicant has failed to provide a reason or suggestion why this terminology defines such a limitation on statutory subject matter.

27. Ito's disclosed method recites all the steps of the independent claims. The method disclosed by Ito is capable of being performed on a CDMA signal. Subsequently, it must be shown how the terminology CDMA defines limitations on the steps to be performed that distinguish over Ito. Explaining that the nature of a CDMA signal is different from the nature of the signal conceived by Ito does not define limitations on the steps to be performed.

28. Applicant argues that Brunts fails to correct the deficiencies of Ito with regard to claims 27 and 38. Applicant states that said deficiency is that "Ito teaches using a relative time difference between areas before and after movement and not use of a local UTC correction in conjunction with the UTC

time." This is not persuasive. Ito does teach correcting the UTC using the relative time difference as suggested by applicant. However, Ito also teaches the use of UTC corrections in conjunction with UTC time. Figure 3c shows two times being displayed wherein the calculation of the at least second time is calculated using a UTC correction according to the table depicted in figure 2, wherein a common reference point, GMT is used (paragraph 153 page 7 and paragraph 186-188 page 9.)

29. Applicant asserts that the Schick reference fails to teach "scheduling mobile vehicle communication system activities between a call center and the telematic device based on the calculated local time." This assertion is not persuasive, because there is no reasoning or argumentation beyond the mere assertion of the conclusion.

30. Applicant asserts that DiLodovico fails to "correct the deficiencies of Ito as applied to Applicants' claims." This assertion is not persuasive, because there is no reasoning or argumentation beyond the mere assertion of the conclusion.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

32. Mazzara (US 7190946) is a reference teaching a method of providing local time to an in-vehicle telematics device. Column 4 lines 41-57 detail a method of updating the time using CDMA signal with UTC correction and a GPS time

provided to a GPS unit by means of a GPS signal. This reference would be applicable under 102(e).

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/22/2007

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